EXHIBIT 9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Johnson et al.

Serial No. 08/288,577

Filed: **August 10, 1994**

Art Unit: 2761

Examiner: **Edward R. Cosimano**

Attorney Docket No.: **95-185**

ELECTRONIC SOURCING SYSTEM
AND METHOD

Pittsburgh, Pennsylvania 15230

Assistant Commissioner for Patents
and Trademarks
Washington, D.C. 20231

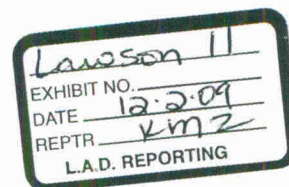RESPONSE TO SECOND OFFICE ACTION, DATED MAY 26, 1998

Dear Sir:

Responsive to the second Office Action dated May 26,
1998, please amend the above-captioned application as follows,
permitting the allowed and allowable claims to issue immediately.
Applicants reserve the right to pursue the rejected claims (and
others) in a continuation application.

AMENDMENT

Applicants respectfully request entry of the following
amendments in the above-captioned application:

PGH-LIB-032637501 GARABACH
September 14, 1998 1:51 PM

L0132884

IN THE SPECIFICATION:

On page 12, lines 32-33, please replace: "Application Serial No. 08/042,168" with: -- U.S. Patent No. 5,712,989 --.

IN THE CLAIMS:

Please cancel claims 88 and 89.

Please amend the following claims:

79. (Amended) An electronic sourcing system comprising:

at least two [vendor] product catalogs containing data relating to items associated with the respective [vendors] sources;

means for selecting the [vendor] product catalogs to search;

means for searching for matching items among the selected [vendor] product catalogs;

means for building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

means for processing the requisition to generate one or more purchase orders for the selected matching items[.]; and

means for determining whether a selected matching item is available in inventory.

80. (Amended) The electronic sourcing system of claim 79 wherein the purchase orders include data relating to a [vendor] catalog number for the selected matching items.

81. (Amended) An electronic sourcing system comprising:

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at least two [vendor] product catalogs containing data relating to items associated with the respective [vendors] sources;

means for selecting the [vendor] product catalogs to search;

means for searching for matching items among the selected [vendor] product catalogs;

means for building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

means for processing the requisition to generate one or more purchase orders for the selected matching items[.]; and

means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

82. (Amended)   The electronic sourcing system of claim [79] 81 further comprising means for determining whether a selected matching item is available in inventory.

83. (Amended)   The electronic sourcing system of claim [79] 81 further comprising means for determining the applicable price of a selected matching item.

84. (Amended)   An electronic sourcing system comprising:

a database containing data relating to items associated with at least two [vendors] sources;

means for searching for matching items in the database;

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means for building a requisition using data relating to selected matching items and their associated [vendors] sources; [and]

means for processing the requisition to generate one or more purchase orders for the selected matching items[.]; and

means for determining whether a selected matching item is available in inventory.

85. (Amended)   An electronic sourcing system of claim [84] 87 wherein the requisition includes matching items from at least two [vendors] sources.

86. (Amended)   The electronic sourcing system of claim [84] 87 wherein the purchase orders include data relating to [vendor] catalog numbers.

87. (Amended)   An electronic sourcing system comprising:

a database containing data relating to items associated with at least two [vendors] sources;

means for searching for matching items in the database;

means for building a requisition using data relating to selected matching items and their associated [vendors] source(s);

means for processing the requisition to generate one or more purchase orders for the selected matching items[.]; and

means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

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92. (Amended) An electronic sourcing system comprising:

at least two [vendor] product catalogs containing data relating to items associated with the respective [vendors] sources;

means for searching for matching items among the [vendor] product catalogs;

means for building a requisition that includes a first matching item and a second matching item, each associated with a different [vendor] source; [and]

means for processing the requisition to generate purchase orders for the first and the second matching items[.]; and

means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

95. (Amended) An electronic sourcing system comprising:

data relating to items associated with at least two [vendors] sources maintained so that selected data may be searched separately;

means for searching for matching items among the selected data;

means for building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

means for processing the requisition to generate purchase orders using data relating to the selected matching items and their associated [vendor(s).] source(s); and

means for determining whether a selected matching item is available in inventory.

96. (Amended) The electronic sourcing system of claim [95] 98 wherein the purchase orders use data relating to at least two [vendors] sources.

97. (Amended) The electronic sourcing system of claim [95] 98 wherein the purchase orders use data relating to [vendor] catalog numbers.

98. (Amended) An electronic sourcing system comprising:

data relating to items associated with at least two [vendors] sources maintained so that selected data may be searched separately;

means for searching for matching items among the selected data;

means for building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

means for processing the requisition to generate purchase orders using data relating to the selected matching items and their associated [vendor(s).] source(s); and

means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

99. (Amended)   The electronic sourcing system of claim [95] 98 further comprising means for determining whether a selected matching item is available in inventory.

100. (Amended)   The electronic sourcing system of claim [95] 98 further comprising means for determining the applicable price of a selected matching item.

103. (Amended)   The electronic sourcing system of claim 101 further comprising means for converting data relating to a selected matching item and [its] an associated [vendor] source to data relating to an item and a different [vendor] source [and a corresponding item].

104. (Amended)   An electronic sourcing system of claim 101 wherein the requisition includes matching items from at least two [vendors] sources.

105. (Amended)   The electronic sourcing system of claim 104 wherein the purchase orders include data relating to the [vendor] source associated with the selected matching item.

108. (Amended)   A method comprising the steps of:

maintaining at least two [vendor] product catalogs on a database containing data relating to items associated with the respective [vendors] sources;

selecting the [vendor] product catalogs to search;

searching for matching items among the selected [vendor] product catalogs;

building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

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processing the requisition to generate one or more purchase orders for the selected matching items[.]; and

determining whether a selected matching item is available in inventory.

28   110. (Amended)   A method comprising the steps of:

maintaining at least two [vendor] product catalogs on a database containing data relating to items associated with the respective [vendors] sources;

selecting the [vendor] product catalogs to search;

searching for matching items among the selected [vendor] product catalogs;

building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

processing the requisition to generate one or more purchase orders for the selected matching items[.]; and

converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

29   111. (Amended)   The method of claim [108] 28 110 further comprising the step of determining whether a selected matching item is available in inventory.

30   112. (Amended)   The method of claim [108] 28 110 further comprising the step of determining the applicable price of a selected matching item.

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113. (Amended)   A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two [vendors] sources;

searching for matching items among the data relating to the items;

building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

processing the requisition to generate purchase orders using data relating to the selected matching items and their associated [vendor(s).] source(s); and

determining whether a selected matching item is available in inventory.

114. (Amended)   The method of claim [113] 116 wherein the purchase orders use data relating to at least two [vendors] sources.

115. (Amended)   The method of claim [113] 116 wherein the purchase orders use data relating to [vendor] catalog numbers.

116. (Amended)   A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two [vendors] sources;

searching for matching items among the data relating to the items;

building a requisition using data relating to selected matching items and their associated [vendor(s)] sources; [and]

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processing the requisition to generate purchase orders using data relating to the selected matching items and their associated [vendor(s).] source(s); and

converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

34 117. (Amended)   The method of claim [113] 116 31 further comprising the step of determining whether a selected matching item is available in inventory.

35 118. (Amended)   The method of claim [113] 116 31 further comprising the step of determining the applicable price of a selected matching item.

119. (Amended)   A method comprising the steps of:

maintaining a database containing at least two [vendor] product catalogs containing data relating to items associated with the respective [vendors] sources;

searching for matching items among the [vendor] product catalogs;

building a requisition that includes a first matching item and a second matching item, each from a different [vendor] product catalog; [and]

processing the requisition to generate purchase orders for the first and the second matching items[.]; and

determining whether a selected matching item is available in inventory.

37 120. (Amended)   The method of claim [119] 121 36 wherein a first purchase order uses data relating to the first matching

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item and a second purchase order uses data relating to the second matching catalog item.

36 121. (Amended)   A method comprising the steps of:

maintaining a database containing at least two [vendor] product catalogs containing data relating to items associated with the respective [vendors] sources;

searching for matching items among the [vendor] product catalogs;

building a requisition that includes a first matching item and a second matching item, each from a different [vendor] product catalog; [and]

processing the requisition to generate purchase orders for the first and the second matching items[.]; and

converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

38 122. (Amended)   The method of claim [119] *36* 121 further comprising the step of determining whether a selected matching item is available in inventory.

39 123. (Amended)   The method of claim [119] *36* 121 further comprising the step of determining the applicable price of a selected matching item.

40 124. (Amended)   A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two [vendors] sources whereby selected portions of the database may be searched separately;

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searching for matching items among the selected portions of the database;

building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

processing the requisition to generate purchase orders using data relating to the selected matching items and their associated [vendor(s).] source(s); and

determining whether a selected matching item is available in inventory.

125. (Amended)   The method of claim [124] 126 wherein a first purchase order uses data relating to selected matching items from a first [vendor] source and a second purchase order uses data relating to selected matching items from a second [vendor] source.

126. (Amended)   A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two [vendors] sources whereby selected portions of the database may be searched separately;

searching for matching items among the selected portions of the database;

building a requisition using data relating to selected matching items and their associated [vendor(s)] source(s); [and]

processing the requisition to generate purchase orders using data relating to the selected matching items and their associated [vendor(s).] source(s); and

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<u>converting data relating to a selected matching</u>
<u>item and an associated source to data relating to an item and a</u>
<u>different source.</u>

43 127. (Amended)   The method of claim [124] 126 further
comprising the step of determining whether a selected matching
item is available in inventory.

44 128. (Amended)   The method of claim [124] 126 further
comprising the step of determining the applicable price of a
selected matching item.

REMARKS

Claims 101-107 and 129 have been allowed.

Applicants have amended claims 81, 87, 98, 110, 116,
121 and 126 in independent form, per the Examiner's suggestion,
and believe that these claims are now in condition for allowance.
Applicants believe the claims dependent therefrom likewise are in
condition for allowance, specifically: claims 82 and 83
(dependent from claim 81); claims 85, 86, 90 and 91 (dependent
from claim 87); claims 96, 97, 99 and 100 (dependent from claim
98); claims 111 and 112 (dependent from claim 110); claims 114,
115, 117 and 118 (dependent from claim 116); claims 120, 122 and
123 (dependent from claim 121); and claims 125, 127 and 128
(dependent from claim 126).   Applicants believe that claim 92 and
those dependent therefrom (claims 93 and 94) are likewise in
condition for allowance since they have been amended in
accordance with the Examiner's suggestion as to the other claims.

Applicants have clarified the above claims by amending
"vendor" to read "source".   As Applicants explained in response
to the first Office Action, the term "vendor" includes different
suppliers and different sources from the same supplier, e.g.

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different warehouse locations. See Response to first Office Action at pages 11-12. Applicants believe that the use of the term "source" in place of "vendor" more distinctly claims what they regard as their invention.

Applicants also have clarified those claims that contain the "means for converting" element or the "converting" step. Those claims properly refer to converting the "data relating to an item and a different source". This was one of the elements that the Examiner determined was not taught or suggested by the prior art (see item 7 of second Office Action). Applicants believe that the new language more distinctly claims the invention where, for example, the identical selected matching item were to be ordered from a different source. The prior language, "corresponding item", could have been misunderstood. The amended language properly claims identical matching items from different sources, as well as a suitable replacement for the selected matching item.

As to independent claims 79, 84, 95, 108, 113, 119 and 124, Applicants respectfully traverse the Examiner's 102(b) rejection based on Dworkin. Nevertheless, without prejudice to Applicants arguing the rejection at a later time, Applicants have amended the claims to clearly overcome the prior art. Dworkin does not teach or suggest the ability to check availability of selected items. Applicants' system and method permits availability determination, enabling purchasers to make informed purchasing decisions, e.g., ordering from a source where the selected item is in inventory versus ordering from a source that would require a back order. As amended, Applicants believe these claims to be in condition for allowance.

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REMAINING ISSUES RAISED IN THE SECOND OFFICE ACTION:

As to the trademark issues raised by the Examiner, Applicants have reviewed the application and believe that the trademarks have been used properly. Applicants would welcome any guidance from the Examiner if he does not agree.

Applicants submit herewith proposed corrections to the drawings (shown in red). If the corrections are acceptable, Applicants will submit the corrections with the formal drawings.

Applicant submit herewith replacement pages for Appendices ⊥ through X, with correct margins.

Applicants believe that the above claims are in condition for allowance. Applicants would welcome the opportunity to interview this case in order to facilitate early issuance of the allowed claims. Applicants respectfully request the Examiner's prompt and favorable consideration.

Respectfully submitted,

JOHNSON ET AL.

Dated: September 14, 1998   By _____

Gene A. Tabachnick
Reg. No. 33,801

REED SMITH SHAW & MCCLAY LLP
435 Sixth Avenue
P.O. Box 488
Pittsburgh, PA 15230
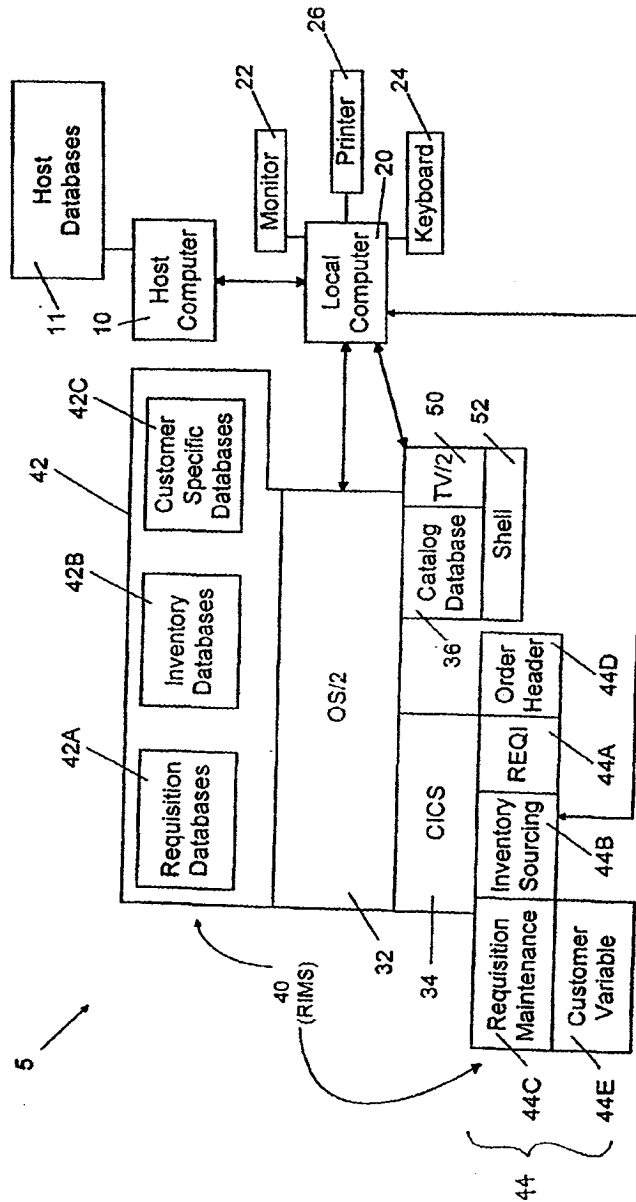(412) 288-3131

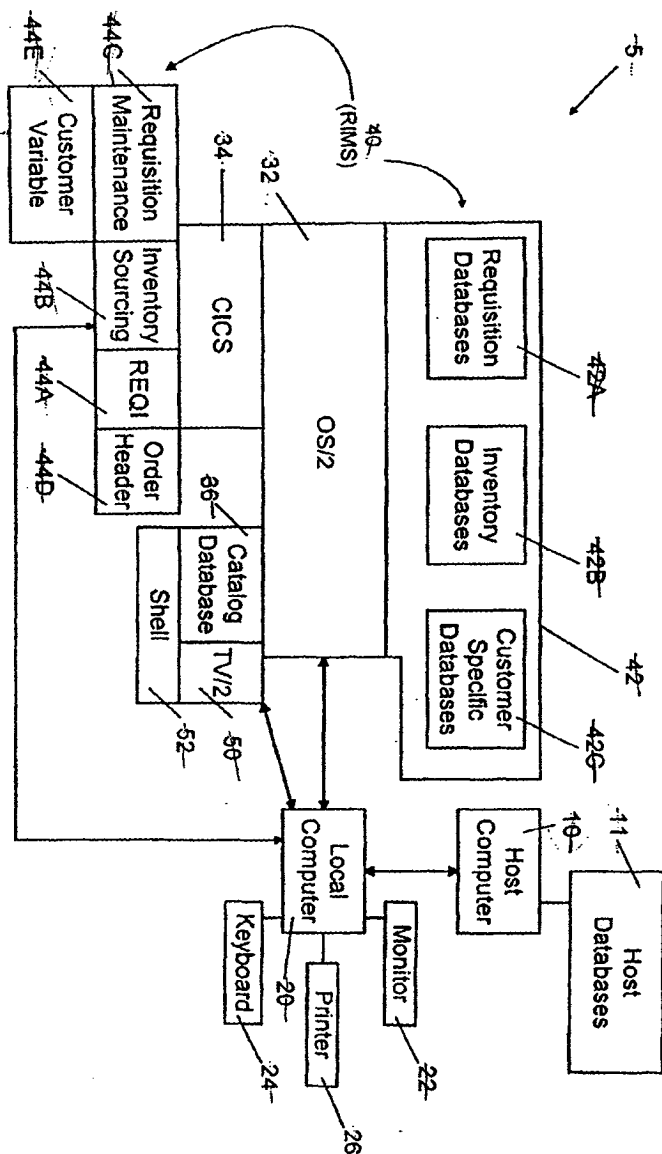Attorney for Applicants

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#13 att.

FIG. 1A

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FIG. 1A

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APPENDIX I

FISHER SCIENTIFIC RIMS
REQUISITION HEADER

DATE: 08/05/94
TIME: 07:04:57

ACCT-NBR :

COMPANY :

REQ NBR :

RELEASE :

CALLER   :

ATTN   :

BILL TO :

VENDOR   :

NAME:
ADDRESS:
          :
          :
          :

ORDER TYPE : R ORDER
      HOLD/REL: I   RUSH CODE: 9
FREIGHT OVERRIDE: N   TAX OVERRIDE:
EDI PO TO HOST: N POA 855
        PRT ACK: Y   NBR OF COPIES: 1
ACK DELV CODE: P PRINT & DELIVER
REQ DELV CODE: W WALK IN
SERVICE CHARGE: 0.00

      CREATED: 08-04-1994   STATUS: R

RESPONSE: KEY(S):

+F2:ADD F3:EXIT F4:UPDATE F5:REFRESH F6:ITEM F9:VAR F10:SRCE F11:CHGPO F12:DEL
1BV123

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APPENDIX II

*** REQUISITION MANAGEMENT SCREEN ***

```
\CCT NBR: 218848 002 REQ NBR: TEST NEW ONE
    COMP:   1      REL NBR:
 S  LINE    STOCK NBR    QTY    UM  PT   STKRM XREF SPI UNIT PRICE   EXT PRICE
    001  13246B18F        0    CS  03                       0.00        0.00
    DESC:                          QTY AVAIL:    0  LOC: FSHR WHSE: BLW

    002           .
    DESC:                          QTY AVAIL:       LOC:      WHSE:

    003
    DESC:                          QTY AVAIL:       LOC:      WHSE:

    004
    DESC:                          QTY AVAIL:       LOC:      WHSE:

    005
    DESC:                          QTY AVAIL:       LOC:      WHSE:

RESPONSE:             KEY(S):
ALL ITEMS DISPLAYED
F3:EXIT F6:SOURCE F7:BKWD F8:FWD F9:NEW F10:NONCAT F11: CATALOG F12:CNCL
```

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APPENDIX III

```
    ovens
General
(1106)Fisher Isotemp 800 Series Programmable Ovens
(1107)Isotemp 700 Series Deluxe Lab Ovens
(1108)Isotemp 600 Standard Lab Ovens
(1109)Fisher Isotemp 500 Series Economy Lab Ovens
(1110)Gravity Convection Ovens
(1111)Utility Ovens
(1112)Mechanical Convection Ovens with Electronic Temperature
(1113)General-Purpose Ovens
(1114)Heavy Duty Deluxe Ovens
(1116)Large Capacity Model 2882A
(1117)Standard Capacity Model 281A
(1118)Fisher Models 280 and 285 Vacuum Ovens
(1119)NAPCO Vacuum Ovens
```

Help   Catalogs   Search   Order List   Minimize   Clear   Prev   Next   Exit

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APPENDIX IV

(FSC1106) Fisher Isotemp 800 Series Programmable Ovens

Fisher Isotempx 800 Series Programmable Ovens

   Three linear heat-up and cool-down stages
   Talking control panel
   Keypad and lighted graphics
   30° to 325°C range
   RS-422 serial communications capability

The latest technology at your fingertips. Accurate, easy-to-use
controls allow you to program up to 3 heat-up stages and 3 cool-
down stages linearly to provide the most appropriate conditions
for your samples. Using the large keyboard, you can choose the
heat-up or cool-down rate, the temperature you want for each
stage, and the length of time you want the oven to hold each
temperature. And, for projects requiring repeatability, you can
duplicate the settings at any time.

Help Catalogs Search Order List Minimize Clear Prev Next   Exit

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APPENDIX V

(FSC1106) Fisher Isotemp 800 Series Programmable Ovens

Model	818F	838F
Inside D x W x H	16 x 12 x 16 (41 x 30 x 41cm)	18 x 18 x 20 (46 x 46 x 51cm)
Shp. Wt.	156 lb. (71kg)	195 lb. (88kg)
Electrical Requirements	230V 50/60Hz 11.3 Amps	230V 50/60Hz 19 Amps
Cat. No.	▓▓▓▓▓▓▓▓	13-246-838F
Each	3495.00	3995.00

Extra Shelves for 800 Series Ovens

No-tip design. Move to any position in seconds. Full Depth Shelves: Chrome-Plated Steel

Help Catalogs Search Order List Minimize Clear Prev Next   Exit

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APPENDIX VI

ITEMS SELECTED

Part Number	Description	List Price
132468188	ISOTEMP OVEN MODEL8F 230V	$3495.00

Help   Cancel   Delete   Delete All   Order   Description

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APPENDIX VII

SEARCH

Page:

Search For:

Part Number: OFisher   OVendor   OCustomer

Vendor Name:

Bulletin:

HELP   SEARCH   CANCEL   CLEAR   USER DATA   EXTENDED
Help   Catalogs   Search   Order List   Minimize   Clear   Prev   Next   Exit

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APPENDIX VIII

```
RICREQI1                    FISHER SCIENTIFIC RIMS          DATE: 07-29-94
                         REQUISITION MANAGEMENT SCREEN       TIME: 14:54:22
ACCT NBR: 363690 006 REQ NBR: PO NBR 001
   COMP:   1      REL NBR:
0   LINE     STOCK NBR    QTY   UM  PT    STKRM XREF SPI UNIT PRICE EXT PRICE
   001  A181              `1   EA  03                         0.00       0.00
   DESC:                            QTY AVAIL:     0  LOC:  FSHR  WHSE: EDC

   002  02540K           1   PK  01                          0.00       0.00
   DESC:                            QTY AVAIL:    49  LOC:        WHSE: JIT

   003  13246818F        1   EA  03                          0.00       0.00
   DESC:                            QTY AVAIL:     0  LOC:  FSHR  WHSE: EDC

   004  A181-06          1   EA  06                        100.00     100.00
   DESC: ACETONE                    QTY AVAIL:     0  LOC:        WHSE: JIT
JIT BACKORDER WILL OCCUR
   005
   DESC:                            QTY AVAIL:     0  LOC:        WHSE:

RESPONSE:            KEYS(S):
I ITEM(S) PROCESSED
+ F3:EXIT F6:SOURCE F7:BKWD: F8:FWD F9:NEW ITM  F10:NONCAT F11:CATALOG F12:CNCL

1B V123
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APPENDIX IX

```
RICPOMP1                    FISHER SCIENTIFIC RIMS           DATE: 08-03-94
                         REQUISITION MANAGEMENT SCREEN       TIME: 07:44:13
   COMP ID: 001          REQ-NBR : PO NBR 001
ACCT NBR : 363690 006    REL-NBR.:
ORDER NBR:                           PICKLIST REVIEWED :
SERVICE  :  0.00    ORDER:       0.00  FREIGHT:
CARRIER  :

O LINE    PART          QTY   UOM PRD UNIT PRICE SERVICE EXT PRICE  LOC  STAT
  001 A181                1    EA  03    35.30    0.00    35.30 DEL   S
          ACETONE CERTIFIED ACS   1L  QTY AVAIL:    1           QTY REC:   O

  002 02540K              1    PK  01    32.70    0.00    32.70 JIT   S
          BEAKER GRIFFIN 250ML   12/9 QTY AVAIL:   49           QTY REC:   O

  003 13246818F           1    EA  03  3495.00    0.00  3495.00 EDC   S
          PROGRAMMABLE OVEN          QTY AVAIL:    0           QTY REC:   O

  004 A181-06             1    EA  06   100.00    0.00   100.00 JIT   S
          ACETONE                   QTY AVAIL:    0           QTY REC:   O


RESPONSE:           KEY(S):

+ F3:EXIT F6:ACCEPT F7:BKWD F8:FWD F9:PRINT ACK F11:M/B ERRORS F12 DELETE
1B V123
```

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APPENDIX X   81

*** REQUISITION MANAGEMENT SCREEN ***

ACCT NBR: 218848 002 REQ NBR: TEST NEW ONE
   COMP: 001   REL NBR:
                ELECTRONIC SOURCING MESSAGES

   LINE NUMBER 001   PART NUMBER 53610
PART ADDED SUCCESSFULLY

   LINE NUMBER   001   PART NUMBER 53610
REPLACEMENT WAS MADE FOR PRIOR PART: S100-06

   LINE NUMBER   001   PART NUMBER 53610
VENDOR CHANGED FROM: VN00000001

   LINE NUMBER   002   PART NUMBER 53620
PART ADDED SUCCESSFULLY

   LINE NUMBER   003   PART NUMBER 53650
PART ADDED SUCCESSFULLY

   F6:RETURN F7:BACKWARD F8:FORWARD